24114. Flour. (F. D. C. No. 40321. S. Nos. 58-597/600 M.)

QUANTITY: 707 50-lb. bags and 503 25-lb. bags at Denver, Colo., in possession of Associated Grocers of Colorado, Inc.

SHIPPED: Between 3-6-57 and 5-9-57, from Wichita and Liberal, Kans., and Ogden, Utah.

LIBELED: 6-13-57, Dist. Colo.

CHARGE: 402 (a) (3)—contained bird excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-20-57. Consent—claimed by Associated Grocers of Colorado, Inc. Segregated; 204 50-lb. bags and 49 25-lb. bags destroyed.

24115. Flour. (F. D. C. No. 40259. S. Nos. 73-213/4 M.)

QUANTITY: 78 50-lb. bags at Sheridan, Wyo., in possession of Panetta Bros. Dist. Co., Inc.

SHIPPED: 4-20-56 and 11-12-56, from Ogden, Utah.

LIBELED: 5-20-57, Dist. Wyo.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-28-57. Default—destruction.

24116. Flour. (F. D. C. No. 40244. S. No. 65-879 M.)

QUANTITY: 48 50-lb. bags at Redding, Calif.

SHIPPED: 12-21-56, from Ogden, Utah to Sacramento, Calif., and from there to Redding, Calif., on 3-4-57.

RESULTS OF INVESTIGATION: Inspection of Howard Terminals Warehouse where the article was stored at Sacramento, Calif., showed the existence of insanitary conditions.

LIBELED: 5-10-57, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 7-9-57. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

24117. Unpopped popcorn. (Inj. No. 302.)

COMPLAINT FOR INJUNCTION FILED: 9-4-56, N. Dist. Ohio, against Kenneth W. Huddle t/a Huddle Popcorn Co., Napoleon and Bowling Green, Ohio.

CHARGE: The complaint alleged that the defendant was engaged in the business of processing and distributing unpopped popcorn and had been and was, at the time of filing the complaint, causing to be introduced and delivered for introduction into interstate commerce unpopped popcorn which was adulterated within the meaning of 402 (a) (3) and (4) by reason of the presence in the popcorn of insect and rodent filth, and by reason of preparing, packing, and holding the popcorn under insanitary conditions. It was alleged further that the insanitary conditions resulted from and consisted of the presence of insect excreta, insect debris, rodent excreta, rodent hairs, rodent urine, insect- and rodent-gnawed popcorn, beetles, weevils, other insects, and larva cast skins in and around the defendant's plant and storage facilities; and that the defendant had on hand quantities of unpopped popcorn which were con-

*See also Nos. 24108, 24158, 24161, 24198.

taminated with filth and which had been prepared, packed, or held under insanitary conditions.

The complaint alleged further that the defendant was well aware that his activities were violative of the Act; that various inspections had been made by the Food and Drug Administration, at which times the insanitary conditions in the plant and storage facilities were called to the defendant's attention; and that despite such warnings, the defendant failed to correct the insanitary conditions and continued to introduce into interstate commerce unpopped popcorn adulterated as described above.

DISPOSITION: On 9–19–56, the court entered a temporary injunction enjoining the defendant against the acts complained of.

On 4–29–57, the defendant having consented, the court entered a decree perpetually enjoining and restraining the defendant from directly or indirectly introducing or causing to be introduced and delivering or causing to be delivered, for introduction into interstate commerce, unpopped popcorn which was adulterated as alleged in the complaint. The decree provided further that the unpopped popcorn being stored by the defendant at Napoleon and Bowling Green, Ohio, be subjected to one of the following treatments by the defendant, namely, (1) destruction, (2) cleaning until the popcorn was fit for human consumption, or (3) denaturing so that the popcorn could not be sold for human consumption; and that whichever treatment the defendant elected to follow, it should be conducted under the supervision of the Food and Drug Administration with the cost of such supervision to be borne by the defendant.

24118. Rice, unshelled almonds, and shelled walnuts (2 seizure actions). F. D. C. Nos. 39676, 39707. S. Nos. 41–319/20 M, 56–388 M, 56–390/1 M, 56–745/6 M.)

QUANTITY: 37 100-lb. bags of rice, 3 100-lb. bags of almonds, and 515 25-lb. ctns. of walnuts at Duluth, Minn.

SHIPPED: Rice, 5–8–56, from Stuttgart, Ark.; almonds, 5–25–56, from Sacramento, Calif.; and walnuts, between 11–8–55 and 12–31–55, from Simi, Calif.

LIBELED: 11–10–56 and 11–30–56, Dist. Minn.

CHARGE: 402 (a) (3)—rice and almonds contained rodent urine, and walnuts contained insects, insect-damaged nuts, and moldy nuts while held for sale; and 402 (a) (4)—the rice and the almonds were held under insanitary conditions.

DISPOSITION: Rice and almonds, 1–31–57. Default—destruction. Walnuts, 1–23–57. Consent—claimed by Globe Walnut Co., Simi, Calif. Segregated; 1,232 pounds destroyed.

24119. Rice. (F. D. C. No. 40036. S. No. 53–228 M.)

QUANTITY: 1,997 100-lb. bags at Houston, Tex.

SHIPPED: 12–3–56, from Kaplan, La., by Imperial Rice Mills, Inc.

LIBELED: 3–6–57, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained insects, insect parts, and insect excreta; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3–13–57. Consent—claimed by Comet Rice Mills, Houston, Tex. Reconditioned; 1,900 lbs. disposed of for use as animal feed.